

EXHIBIT A

(Redacted)

ALSTON & BIRD_{LLP}

90 Park Avenue
New York, NY 10016

212-210-9400
Fax: 212-922-3931
www.alston.com

Alexander S. Lorenzo

Direct Dial: 212-210-9528

Email: alexander.lorenzo@alston.com

October 23, 2015

VIA EMAIL

Mark W. Friedman
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022

Re: *In re Application of Natalia Potanina*, Nos. 14-mc-31 and 14-mc-57
(S.D.N.Y., consolidated March 14, 2014) (Part I)

Dear Mark:

I write regarding two issues that arose at last Friday's 30(b)(6) deposition of Altpoint Capital Partners LLC, via its designated corporate representative Brett Pertuz. First, in his testimony, Pertuz referred to and relied upon numerous documents that Altpoint has failed to produce. Petitioner specifically called for the production of these documents at the deposition, and hereby renews this request. For your convenience, the documents that Altpoint is obligated to produce are set out in Exhibit A, which is attached hereto. Please produce these documents by no later than October 29, 2015, or to the extent that one or more of these documents has previously been produced by Altpoint, provide the Bates number for the document/s.

Second, Altpoint's corporate representative was entirely unprepared to testify regarding many of the noticed deposition topics. As you are aware, a corporate representative must be both knowledgeable about a given area and prepared to give *complete and binding answers* on behalf of the organization. *Bank of N.Y. v. Meridien Biao Bank Tanz.*, 171 F.R.D. 135, 150 (S.D.N.Y. 1997) (emphasis added). Moreover, to satisfy Rule 30(b)(6), a corporate deponent has an affirmative duty to make available such number of persons as will be able to give complete, knowledgeable and binding answers on its behalf. *Kyoei Fire & Marine Ins. Co. v. M/V Mar. Antalya*, 248 F.R.D. 126, 152 (S.D.N.Y. 2007). Where a corporation fails to provide a witness properly prepared to testify concerning subject matters designated in a deposition notice, the corporation must produce a witness properly prepared. See *Rembert v. Cheverko*, 2015 U.S. Dist. LEXIS 138719, *13 (S.D.N.Y. 2015); *Twentieth Century Fox Film Corp. v. Marvel Enters.*, 2002 WL 1835439, *15 (S.D.N.Y. 2002); *Tailored Lighting, Inc. v. Osram Sylvania Prods.*, 255 F.R.D. 340, 350 (W.D.N.Y. 2009).

Here, as Altpoint previously represented "Aliev, as the Chairman and CEO of Altpoint, is the individual most likely to be able to provide by way of oral testimony information responsive

Mark W. Friedman
October 23, 2015
Page 2

to the subjects listed in the 30(b)(6) subpoena.” *See* Letter from Joseph P. Moodhe, dated November 25, 2014. Pertuz’s testimony, or lack thereof, confirms that this is the case. For example, Mr. Pertuz lacks knowledge regarding three key areas:

REDACTED

The following are selected examples for each of these subjects:

REDACTED

Mark W. Friedman
October 23, 2015
Page 3

REDACTED

Pertuz's inability to answer even basic questions regarding several of the noticed topics reaffirms Petitioner's position that Aliev is the appropriate corporate representative for Altpoint's deposition. Having previously confirmed the same, and with Pertuz himself admitting that he lacked knowledge on several critical topics, Altpoint must designate Aliev as its corporate representative at a continued deposition.

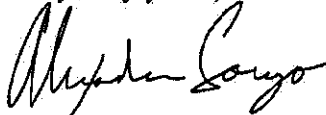
Please let us know by the close of business Tuesday, October 27 whether Altpoint will agree to produce Aliev as its corporate representative for a deposition in New York on or before

Mark W. Friedman
October 23, 2015
Page 4

November 13. Should Altpoint not agree to produce Aliev, Petitioner will move the Court for an Order requiring the same.

We are available on Monday if you would like to discuss.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alexander S. Lorenzo". The signature is fluid and cursive, with the first name "Alexander" being more prominent and the last name "Lorenzo" following in a similar style.

Alexander S. Lorenzo

Attachment

cc: Joseph P. Moodhe, Esq.
Christine Ford, Esq.
Karl Geercken, Esq.
Amber Wessels-Yen, Esq.

EXHIBIT A

Documents Identified for Production at Altpoint's Deposition

REDACTED

EXHIBIT A

REDACTED